

710 EAST SAN AUGUSTINE STREET

DEER PARK, TEXAS 77536

Minutes

of

THE 1468th REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS HELD IN THE CITY HALL, 710 EAST SAN AUGUSTINE STREET, DEER PARK, TEXAS ON MARCH 18, 2008 BEGINNING AT 7:30 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

WAYNE RIDDLE	MAYOR
CHARLES GARRISON	COUNCILMAN
THANE HARRISON	COUNCILMAN
CHRIS RICHEY	COUNCILMAN
BLAKE BARNES	COUNCILMAN
BECKIE STOCKSTILL-COBB	COUNCILWOMAN
DEAN LAWOTHER	COUNCILMAN

OTHER CITY OFFICIALS PRESENT:

RONALD V. CRABTREE	CITY MANAGER
SANDRA WATKINS	CITY SECRETARY
GARY JACKSON	ASSISTANT CITY MANAGER
JIM FOX	CITY ATTORNEY

1. MEETING CALLED TO ORDER AND RECESSED - Mayor Riddle called the regular meeting to order at 7:30 p.m. and recessed the regular meeting to reconvene the workshop.
2. MEETING RECONVENED - Mayor Riddle reconvened the regular meeting at 7:35 p.m.
3. INVOCATION - The invocation was given by Councilman Richey.
4. PLEDGE OF ALLEGIANCE - Councilwoman Stockstill-Cobb led the pledge of allegiance to the United States Flag and Texas Flag.
5. CONSENT CALENDAR - Motion was made by Councilwoman Stockstill-Cobb and seconded by Councilman Barnes to approve the consent calendar as follows:
  - a. Approval of minutes of regular meeting on March 4, 2008.
  - b. Approval of minutes of joint public hearing on March 4, 2008. (Grisham PUD)

- c. Approval of minutes of special meeting on March 6, 2008.
- d. Authorization to seek bids for the parking lot at the Public Works Service Center.
- e. Authorization to seek bids for the Mechanical Bar Screen at the Waste Water Treatment Plant.
- f. Acceptance of the City Humane Shelter additions.
- g. Approval of change order for Fire Station #3.
- h. Approval of tax refund to Home Equity Servicing in the amount of \$797.31 due to an overpayment.
- i. Approval of tax refund to Hertz Equipment Rental in the amount of \$14,649.11 due to an overpayment.

Motion carried 7 to 0.

6. COMMENTS FROM THE AUDIENCE

Mayor Riddle commented, "We have several people who have signed up to speak to Council tonight. We want to advise you that if your are addressing an item on the agenda, we will be able to conduct discussion with you, however, if your comments are in regard to any other items not on the agenda, we are not allowed by law to get into a dialogue with you. Your comments will be deferred to staff who will get answers for you on what your concern might be."

- a. Rob Johnson, 1220 Augusta, Suite 140, Houston, Texas 77057, commented, "My name is Rob Johnson, Rob Johnson Interests. I am working with Chris Richardson and Blazer on the proposed Planned Unit Development Rezoning. I am responsible for the development of the commercial property on the front three acres that is on the site plan that you have. We are excited about the opportunity. We think that there is some needs that the city has from the food industry, and the different financial industries. We are looking forward to the opportunity to be able to bring those developments into the city. We feel like that with the senior development adjoining it, and the synergy that this will create this will be a real spark to Center Street, and to the area. You have the HEB grocery, the new Starbucks is there, the CVS Pharmacy and Sonic, which are a very major part of the city at that intersection, and it is vibrant, and we believe it can be more vibrant. We look forward to the possibility of working with the City. If there are any questions that you have from me, as far as the commercial end of it and what we see there which we are still trying to paint the picture, I would be more than happy to try and answer any questions."

- b. Chris Richardson, 9219 Katy Freeway, Houston, Texas, commented, "I am really here to answer any questions. I think we have fairly well presented the proposed project and have through everything. If there is anything you are unclear about on our proposal, we would welcome any input or if there are any ways that we can improve it further."
- c. Bobby Grisham, 4650 Center Street, Deer Park, Texas, commented, "At the risk of repetition, and I will try not to repeat some of the things that you have already heard, I would like to cover a few salient points if I might. I want to reiterate that this project is a \$15,000,000.00 to \$17,000,000.00 project to the City of Deer Park. The senior citizens would have to be at least 55 years of age. It will be an age qualified, deed restricted development, which meets the special needs of our community, and the deed restriction for the senior development is for 75 years. That means it will remain a senior development for 75 years. The highest and best use for this 14 acre tract is this senior citizens Planned Unit Development project. This development is similar to the Waterford, and will have within walking distance for its residents a grocery store, two banks, two pharmacies, future restaurants and strip centers. These amenities will certainly help with the traffic problems. Here is something new for you. I have contacted some of the surrounding property owners, Mr. and Mrs. Chris Yeager, they are the owners of the Self Defense of America, and Mr. Lynn King, the owner of the properties located at 401 and 405 Center Street. They have asked me to convey to this group that they want this project to go through. I would say that Mr. Chris Yeager is counting on teaching some type of self defense to the seniors. He is looking forward to that. I think I might join in on that. I think I might need a little of that. In conclusion, I would like to say, that we are indeed fortunate, I think, to present to the City of Deer Park two developers who have developed many successful projects in Texas and other states. One such similar senior project is in Katy, Texas where there is a nine month waiting list for future residents. Mr. Richardson, Mr. Fuqua, and Mr. Johnson have the credentials, and building history to make this Deer Park project a crown jewel of the City of Deer Park."

Councilwoman Stockstill-Cobb asked, "You said that there is a deed restriction that is for 75 years it must retain the status of senior housing. Who enforces that?"

Mr. Grisham answered, "It is in the deed. You can go to the local attorney and get it enforced."

- d. Rick Tillery, 1406 Asbury Lane, Deer Park, Texas, commented, "I am a resident of Deer Park for 22 years. I am a member of the owners of the property that is looking to develop this project for Deer Park. Just on a personal note for me and my family, we were looking for a place such as this for my father-in-law for him to come and move to where he would be close to us. We didn't have anything available at the time where he could do that, so he is in Pasadena. Someday, I am hoping that we can get

him here. Then I have another family member that has said, 'if we don't get something like that here he is going to want to move in with me'. That is my dad. I just want to state that I am for this, and I hope that you will consider it. It is something that will be good for the City of Deer Park. Thank you."

- e. Paul Dawson, 1106 Angela, Deer Park, Texas, commented, "I wanted to just briefly voice my support for this project. I really did that based on two different ideas. One, just last month I was dealing with the same thing that this gentleman was talking about. My father-in-law is at that age where he needs to be close to someone in the family. My wife and I were looking at different options, and also found that this type of facility is a hard thing to come by. Just on a personal level, I feel like there are quite a few people out there in the same situation as myself and this gentleman. Also, as I looked at it, I have to tell you that yesterday I just drove down Center Street. I drive down Center Street I do not know how many times a day, but I decided to really take notice. As I drove down Center Street, I realized how utilitarian Center Street is. By that, I mean we have this business that does drug screenings, and that business that does something else. These are good businesses, and are necessary and important to our local industry, and they are all housed in small strip centers. As I thought about this project and I thought about coming and speaking, it just occurred to me that I think that this particular project would show a sense of development. An actual development that would, hopefully, set a new trend where we are just not utilitarian, but we are taking care to make Center Street something that we can be proud of. I don't want to say that those utilitarian concerns are not concerns, and that those businesses are not vital and important for our community. To get to a place to where we look and say, 'that not only is that useful, but that is attractive, and something that we can be proud of'. Something to put on a postcard so to speak. I think it has something to offer to our city. Hopefully, one strong development like this that shows that kind of foresight, that kind of concern to detail would ultimately lead to a similar development where across the board we can see, hopefully, an upgrade of beautification to our city. Especially on Center Street and East Boulevard as it continues to develop. Those are the two things I wanted to share. Thank you."
- f. Paula Smith, 409 Wisdom Drive, Deer Park, Texas, commented, "Thank you for giving me this opportunity to speak. I have grave concerns about the approval of this Planned Unit Development project. Essentially, this is a Multi Family - 2 with a blanket waiver of all zoning requirements for Multi Family - 2. As I have spoken in the past, south of Pasadena Boulevard houses most apartment and trailer parks. With a potential of more being built with the current zoning status, do we need to add another? If you approve this project, I shutter to think about the integrity of the three-hundred foot easement requirement for Multi Family - 2. In March of 2007, as one developer stood before the Planning and Zoning Commission what I consider murmuring a lawsuit over this ordinance, approval of this project could give them the grounds to sue and most likely win. The flip side, the majority of the residents of

Deer Park consider their homes as their major investment for either retirement or passing all profits to care for their family in the event of their deaths. I would consider this a family business with the managing and daily upkeep of their investment. I purchased my home fully aware of the Multi Family - 2 close to my subdivision with consideration of this 300 foot easement ordinance in effect. If you accept this plan, are you willing to jeopardize this ordinance? Can the city withstand the cost of a possible lawsuit as mentioned in this March 2007 meeting? Each of you knows that traffic in this area can be very dangerous. There have been several times that I have attempted to turn onto Center living on a prayer, and a few Hail Mary's. Unfortunately, my daughter has not been that lucky. She was stopped for the light at Pasadena Boulevard, which was backed up on Center all the way to Estate, and a car hit the rear end of her truck, which turned into a chain reaction with my daughter being hit several times. We were very lucky that no major injuries occurred. Do you think throwing pedestrians along with additional cars into the mix will help the situation? Mentioned by Mr. Richardson at the public hearing that no traffic study has been done for this particular project, the city will need to conduct their own study, and implement the recommendations prior to any rezoning. This would ensure the safety and well being of all citizens present and future. I have heard at numerous rezoning hearings, 'build it and they will come'. I keep looking for these restaurants, and yet they have not appeared. I seriously doubt that building a tax abated apartment complex for seniors on a fixed income will bring a restaurant any closer to Deer Park. I would be curious who is offering these tax abatements, and what will truly be the tax revenue for our city? Several of you, in the past, have mentioned, no more apartments, protection of the 300 foot easement, and no more hotels. Now it appears Deer Park is no longer the Field of Dreams, 'build it and they will come', but Dances with Wolves, pipe dreams and broken promises. I hope you prove me wrong, and vote no for this Planned Unit Development. It would be the right thing to do not only for the residents, the ones who elected you, but also the developers by not wasting their time. If you cannot vote no for whatever reason then I suggest you table this rezoning until you further investigate. I would strongly urge you each to read the City's Planned Unit Development Ordinance in depth along with the study conducted by the Center for Urban Land Economic Research. You will learn that it is better for communities that housing developed for lower to moderate income households to be scattered, rather than concentrated. While reading the study, keep in mind the number of apartments, trailer parks, the recent approval of Section 42 housing, and the current open land zone for Multi-Family - 2 all located within the southwest quadrant of Deer Park. Thank you."

Mayor Riddle commented, "I might mention about tax abatements. Just for the record, there has been no discussion giving this project any tax abatement."

- g. Shelly Stokes, 321 Sylvia, Deer Park, commented, "My only reason for being here is that I wish Mr. Grisham had been more specific because I did not get to come to the public hearing. I want to know who is responsible for scheduling public hearings, because that was an election night and some people were watching returns or some people were participating in the caucus, and we did not get to come down here. That is my concern is that maybe whoever schedules these public hearings would make sure they do not do it on a night when citizens can't come."

Mayor Riddle commented, "The State sets the elections, and they set when we have to call these hearings, so that is when we have to do those things. We do not set them just because we are trying to hide from someone."

Mrs. Stokes asked, "Could it have been scheduled on another night other than election night?"

Mayor Riddle answered, "Not if they scheduled the election on the night we have our public hearings."

Mrs. Stokes asked, "No, I mean the public hearing, not the City Council meeting. The actual public hearing for the project? I would have liked to have been here."

Mayor Riddle answered, "We had the Planning and Zoning preliminary hearing, and the joint public hearing. We had two different hearings, and one of them was not on the night of the election. There has been a lot of talk of us scheduling these hearings so we would not be able to have people to come too on purpose, because we are trying to hide something. There is no way in hell we are trying to hide anything, because we are governed by the State laws on Open Meetings. If you can't make the meeting because you want to go somewhere else then that is not our fault. We have to schedule these on the dates that are set by the State. We are trying to find every way we can to make these as open as possible. It just happened to work that this did not fit that night."

7. CONSIDERATION OF AND ACTION ON ISSUING A REQUEST FOR QUALIFICATIONS (RFQ) FOR THE DESIGN OF A YOUTH SPORTS COMPLEX - Motion was made by Councilman Garrison and seconded by Councilman Harrison to issue a Request for Qualifications (RFQ) for the design of a Youth Sports Complex. Motion carried 7 to 0.
8. CONSIDERATION OF AND ACTION ON AMENDING THE AGREEMENT WITH KLOTZ & ASSOCIATION FOR ENGINEERING SERVICES TO CONDUCT A DRAINAGE STUDY OF THE COLLEGE PARK AND SOUTH PASADENA PLAZA SUBDIVISIONS - Motion was made by Councilman Lawther and seconded by Councilman Barnes to postpone action on this item until the April 1, 2008 regular City Council meeting. Motion carried 7 to 0.

9. CONSIDERATION OF AND ACTION ON APPROVING AN AGREEMENT WITH WATERSCAPE CONSULTANTS, INC. FOR ENGINEERING SERVICES FOR THE RENOVATION OF THE CITY POOL - Motion was by Councilman Lawther and seconded by Councilman Barnes to enter into an agreement with Waterscape Consultants, Inc. for engineering services for the renovation of the City Pool. Motion carried 7 to 0.
10. CONSIDERATION OF AND ACTION ON AN ORDINANCE APPROVING THE CONCEPTUAL PLAN FOR A PLANNED UNIT DEVELOPMENT FOR A 14.3063 ACRE TRACT OF LAND EAST OF CENTER STREET AND SOUTH OF PASADENA BOULEVARD (3800 BLOCK OF CENTER STREET) - Motion was made by Councilman Barnes and seconded by Councilwoman Stockstill-Cobb to adopt on first and final reading Ordinance No. 3196, captioned as follows:

AN ORDINANCE AMENDING ORDINANCE NO. 819 THE ZONING ORDINANCE OF THE CITY OF DEER PARK, BY APPROVING A CONCEPTUAL PLAN AND CREATING A PLANNED UNIT DEVELOPMENT FOR "PROVIDENCE AT TOWN SQUARE" TO BE LOCATED ON A 14.3063 ACRE TRACT OF LAND OUT OF OUTLOTS 115, 116, 117 AND 118 TO THE TOWN OF DEER PARK, PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

Motion carried 6 to 0 with Councilman Lawther abstaining due to a conflict of interest.

11. ADJOURNMENT - Mayor Riddle adjourned the meeting at 8:00 p.m.

ATTEST:

APPROVED:

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Sandra Watkins, TRMC, CMC  
City Secretary

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Wayne Riddle  
Mayor